

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHELDON KRIEGEL and RUTH KRIEGEL,	:	No. 07-cv-8299 (RJS)
on Behalf of Themselves and All Others	:	
Similarly Situated,	:	
	:	
Plaintiffs,	:	<b>NOTICE OF VOLUNTARY</b>
	:	<b>DISMISSAL PURSUANT TO</b>
vs.	:	<b>F.R.C.P. 41 (a)(1)</b>
	:	
BANK OF AMERICA CORPORATION and	:	
BANK OF AMERICA, N.A.,	:	
	:	
Defendants.	:	
-----X		

PURSUANT TO FEDERAL RULE of Civil Procedure 41(a)(1) Plaintiffs, by and through their attorneys, herein voluntarily dismisses without prejudice the action set forth in the above caption.

In accordance with Rule 41(a)(1), this voluntary dismissal has been filed before defendants have filed an answer or a motion for summary judgment and before certification of any class.

Dated: New York, New York  
November 12, 2007

SCHOENGOLD SPORN LAITMAN &  
LOMETTI, P.C.

/s/ Frank R. Schirripa  
Samuel P. Sporn (SS-4444)  
Joel P. Laitman (JL-8177)  
Frank R. Schirripa (FS-1960)  
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*Counsel for Plaintiffs and Proposed Putative Class*

**CERTIFICATE OF SERVICE**

I, FRANK R. SCHIRRIPA, one of the counsel for Plaintiffs Dr. Sheldon and Ruth Kriegel, hereby certify that on November 12, 2007, I filed a copy of Plaintiffs' Notice of Voluntary Dismissal with Clerk of the Court by ECF and served a copy of said document by e-mail on the following:

S. Elaine McChesney  
Bingham McCutchen  
150 Federal Street  
Boston, MA 02110-1726

/s/ Frank R. Schirripa  
Frank R. Schirripa